

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARRICK HARRINGTON,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

CASE NO. 1:05-cv-00624-OWW-GSA PC

**ORDER SETTING SETTLEMENT
CONFERENCE**

Date: July 6, 2009

Time: 10:30 a.m.

Courtroom: 10 (GSA)

In their pretrial statements, Plaintiff and Defendants expressed their willingness to enter into settlement negotiations. Pursuant to the Court's Pretrial Order, Defendants' counsel was directed to contact Harriet Herman, Courtroom Deputy to the Honorable Sandra M. Snyder, if she is able to obtain settlement authority prior to trial, which is set for July 28, 2009. Counsel contacted the Court on June 23, 2009, to schedule this matter for a settlement conference. Due to the unavailability of Judge Snyder, this matter is set for settlement before the undersigned on July 6, 2009, at 10:30 a.m. Plaintiff and Defendants' counsel, and a representative of the California Department of Corrections and Rehabilitation if one necessary for settlement, shall be personally present.

On or before July 2, 2009, the parties shall mail confidential settlement conference statements to: Chambers of United States Magistrate Judge Gary S. Austin, 2500 Tulare Street, Fresno, California, 93721. The parties shall mark the exterior of the envelope "Confidential." Plaintiff's written statement shall include the following information: (1) a brief statement why Plaintiff believes he can prevail at trial against each of the defendants (e.g., what each defendant did and why that violated Plaintiff's constitutional rights; (2) what Plaintiff's injuries and damages are as to each of

1 the defendants; and (3) what Plaintiff's settlement demand is as to each of the defendants.
2 Defendants' statement shall include but is not limited to identifying why they believe Plaintiff cannot
3 prevail at trial, and what their settlement offer includes.

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. This matter is set for a settlement conference on July 6, 2009, at 10:30 a.m. before
6 the undersigned in Courtroom 10;
- 7 2. Plaintiff and Defendants' counsel, and a representative from the California
8 Department of Corrections and Rehabilitation if necessary, shall be personally
9 present; and
- 10 3. On or before July 2, 2009, the parties shall submit their confidential settlement
11 conference statements to the chambers of the undersigned.

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14 IT IS SO ORDERED.

15 **Dated: June 23, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE